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Attorneys for Plaintiff Affinity Labs of Texas,  
LLC

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

## OAKLAND DIVISION

AFFINITY LABS OF TEXAS, LLC.

Case No.: 4:10-cv-05543-CW

**Plaintiff,**

**STIPULATION TO CONTINUE CASE  
DEADLINES REGARDING  
DEFENDANT NIKE, INC. AND  
[PROPOSED] ORDER**

## NIKE INC AND APPLE INC

Judge: Hon. Claudia Wilken

### Defendants.

## NIKE, INC. AND APPLE INC.,

## Defendants.

IT IS HEREBY STIPULATED by and between Plaintiff Affinity Labs of Texas, LLC (“Affinity”) and Defendant NIKE, Inc. (“NIKE”) as follows:

WHEREAS, on August 24, 2011, Affinity and Defendant Apple Inc. (“Apple”) filed a stipulation to continue the deadlines for Apple’s Patent L.R. 3-3 and Patent L.R. 3-4 disclosures in this litigation because Affinity and Apple have been working to reach a settlement that would include claims against or by Apple in this litigation and Case No. CV 09-4436-CW; (*see* D.E. 136);

WHEREAS, Affinity and NIKE agree that the Defendants in this litigation, Apple and NIKE, should have the same deadlines for Patent L.R. 3-3 and Patent L.R. 3-4 disclosures;

NOW, THEREFORE, IT IS HEREBY STIPULATED BY AND BETWEEN AFFINITY AND NIKE, THROUGH THEIR RESPECTIVE COUNSEL AND SUBJECT TO THE APPROVAL OF THE COURT, AS FOLLOWS:

1. The date for serving Patent L.R. 3-3 invalidity contentions currently due on August 26, 2011 will be continued to September 23, 2011 for NIKE;

2. The date for serving documents as required by Patent L.R. 3-4 currently due on August 29, 2011 will be continued to September 26, 2011 for NIKE; and

3. All other deadlines will remain unchanged.

These changes will not affect any other deadlines before the Court.

Dated: August 25, 2011

RICHARD L. SEABOLT  
L. NORWOOD JAMESON  
MATTHEW C. GAUDET

DUANE MORRIS LLP

By: /s/ Matthew C. Gaudet  
Matthew C. Gaudet

Attorneys for Plaintiff AFFINITY LABS OF TEXAS, LLC

1 Pursuant to General Order No. 45 X(B), I hereby attest that concurrence in the filing of this  
2 document has been obtained from Michael J. Harris.

3  
4 Dated: August 25, 2011

RICHARD L. SEABOLT  
L. NORWOOD JAMESON  
MATTHEW C. GAUDET  
DUANE MORRIS LLP

5  
6 By: /s/ Matthew C. Gaudet  
7 Matthew C. Gaudet

8  
9 Attorneys for Plaintiff AFFINITY LABS OF  
10 TEXAS, LLC

11 Dated: August 25, 2011

12 HEIDI KEEFE  
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17 MICHAEL J. HARRIS  
18 AUDRA EIDEM HEINZE  
19 BANNER & WITCOFF, LTD.

20 By: /s/ Michael J. Harris  
21 Michael J. Harris

22  
23 Attorneys for Defendant NIKE, INC.

24 PURSUANT TO STIPULATION, IT IS SO ORDERED,

25 Dated: 8/25/2011

26  
27   
28 Honorable Claudia Wilken  
United States District Judge